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**JAN 04 2010**

In re Application of  
Naoto Hirota  
Application No. 10/657,470  
Filed: September 8, 2003  
Attorney Docket No. KANEKO.008AUS

DECISION ON PETITION

This is a decision on the petition, filed October 19, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to file a proper reply in a timely manner to the Final Rejection mailed September 26, 2008. A Notice of Abandonment was mailed on August 4, 2009.

Applicant files the present petition and states that a reply to the Office action mailed September 26, 2008, was timely filed on March 24, 2009 with payment of a 3-month extension fee. Applicant provides a copy of the above.

The Office is in receipt of the reply received on April 6, 2009. However, an Advisory Action was mailed on May 4, 2009, stating that, "THE REPLY FILED 06 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE." The Advisory Action also stated that the period for reply expires 3 months from the mailing date of the final rejection.

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions